

	Manual: Environmental Health Services
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Prepared By: David Brummond	Original Policy Date: 03-19-2004
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Authorized By: Rick Merrifield, Director	Effective Date: 1-31-11
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TITLE: Onsite Sewage Treatment System: Work Performed Without Required Permits	

AUTHORITY:

Santa Barbara County Code, Article II, Chapter 29

POLICY:

Final approval or clearance will not be granted for an on-site sewage treatment system (OSTS) constructed, modified, repaired or abandoned without a valid permit and inspection by Environmental Health Services (EHS). Furthermore, work performed without a valid permit may not be used as a basis for a subsequent certification that the system is adequate to support a remodeled residential structure or change in use of a commercial structure. In order to receive final approval/or clearance, the property owner must apply for a permit and provide evidence that OSTs meets all applicable standards.

PROCEDURES:

The following procedure is to be followed by Environmental Health Services if an on-site sewage treatment system is constructed, modified, repaired or abandoned without a permit:

1. The Environmental Health Specialist assigned to the district or appropriate Office Assistant will research Environmental Health Services records to verify that required permit(s) have not been issued.
2. In the event a search of records reveals a permit has not been issued, the Environmental Health Specialist will conduct an investigation to determine if work requiring a permit has been, or is being, performed. A site inspection may be required.
3. If the work is an emergency repair pursuant to Section 29-8(a) of the County Code, the Environmental Health Specialist will: verify the conditions supporting that finding and obtain appropriate documentation from the owner or contractor regarding those conditions and a description of the emergency work being performed. A written permit application must be submitted within three (3) business days. Photographs of the work being performed should be taken by the property owner or authorized representative. Emergency work does not preclude the need for inspection of work by Environmental Health Services staff.

4. If a determination is made that non-emergency construction, modification, repair or abandonment of an OSTs is being performed without required permit(s): the Environmental Health Specialist will issue a Notice of Violation to the property owner. The Notice of Violation shall be routed to the County Building and Safety Division.

If Environmental Health Services becomes aware of work already completed in violation of the County Code, staff will consult with their supervisor to determine the most appropriate response. Depending on the specific nature of the work and the reliability of the allegation that work was performed without a required permit, this response may include a memo to the file, Notice of Violation, administrative fine or referral to the District Attorney's office.

5. Should an initial Notice of Violation fail to produce satisfactory compliance within the specified time frame, the Environmental Health Specialist will send a second Notice of Violation allowing a reduced amount of time for compliance.
6. If the second Notice of Violation fails to produce compliance, the Environmental Health Specialist, in consultation with his/her supervisor, will refer the matter to the District Attorney's office and/or impose an Administrative Fine as provided by Chapter 24 A of the County Code.
7. In applying for an ODTS permit, the owner or his/her authorized representative shall adhere to all standard permit application procedures, including submittal of plans and specifications, an original application with wet signature (not a facsimile or copy) and the appropriate permit fee.
8. The property owner/or authorized representative must demonstrate to the satisfaction of EHS that all work requiring a permit, but completed without benefit of EHS inspection, was completed in accordance with standards currently in effect. Evidence of compliance with applicable standards may include, but is not limited to, receipts for labor and materials, written statement by a licensed contractor and/or photographs of the work performed. Confirmation of compliance may require excavation of a portion or the entirety of the OSTs for inspection by EHS. Acceptance of work performed without EHS oversight will be at the sole discretion of EHS management.